

AMENDED IN SENATE AUGUST 12, 1998

AMENDED IN SENATE JUNE 18, 1998

AMENDED IN SENATE JUNE 10, 1998

AMENDED IN ASSEMBLY APRIL 29, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2172**

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**Introduced by Assembly Member Sweeney**

**(Coauthors: Assembly Members Alquist, Aroner, Baca, Baldwin, Brown, Cardoza, Figueroa, Knox, Kuehl, Leach, Ortiz, Washington, and Woods)**

**(Coauthors: Senators Alpert, Solis, Vasconcellos, and Watson)**

February 19, 1998

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An act to amend Sections 13519 and 13701 of the Penal Code, relating to domestic violence.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2172, as amended, Sweeney. Domestic violence: officer response.

Existing law requires the Commission on Peace Officer Training to implement a training course for law enforcement officers in the handling of domestic violence complaints and to develop guidelines for officer response to domestic violence. The course must include instruction on specified procedures and techniques.

This bill would require the above described training course to include the techniques for recognizing the signs of domestic violence.

Existing law requires every law enforcement agency in this state to develop, adopt, and implement written policies and standards for officers' responses to domestic violence calls. The policies are required to include standards for specified responses, including emergency assistance to victims, such as medical care, transportation to a shelter and police standbys for removing personal property, and notice to victims of specified information.

This bill would add to the list of responses required to be included in the above-summarized policies (1) transportation of domestic violence victims and children to a hospital for treatment when necessary and (2) police standbys for assisting a domestic violence victims with the removal of personal property and safe passage out of their residences. By increasing the duties of local officials, this bill would impose a state-mandated local program.

*The bill would incorporate additional changes to Section 13701 of the Penal Code made by AB 1201 and AB 2177 to be operative if this bill and one or both of the other bills are enacted and become effective on or before January 1, 1999, and this bill is enacted last.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



*The people of the State of California do enact as follows:*

SECTION 1. Section 13519 of the Penal Code is amended to read:

13519. (a) The commission shall implement by January 1, 1986, a course or courses of instruction for the training of law enforcement officers in California in the handling of domestic violence complaints and also shall develop guidelines for law enforcement response to domestic violence. The course or courses of instruction and the guidelines shall stress enforcement of criminal laws in domestic violence situations, availability of civil remedies and community resources, and protection of the victim. Where appropriate, the training presenters shall include domestic violence experts with expertise in the delivery of direct services to victims of domestic violence, including utilizing the staff of shelters for battered women in the presentation of training.

(b) As used in this section, "law enforcement officer" means any officer or employee of a local police department or sheriff's office, any peace officer of the Department of Parks and Recreation, as defined in subdivision ~~(g)~~ (f) of Section 830.2, any peace officer of the University of California Police Department, as defined in subdivision ~~(e)~~ (b) of Section 830.2, any peace officer of the California State University Police Departments, as defined in subdivision ~~(d)~~ (c) of Section 830.2, or a peace officer, as defined in subdivision (d) of Section 830.31.

(c) The course of basic training for law enforcement officers shall, no later than January 1, 1986, include adequate instruction in the procedures and techniques described below:

(1) The provisions set forth in Title 5 (commencing with Section 13700) relating to response, enforcement of court orders, and data collection.

(2) The legal duties imposed on police officers to make arrests and offer protection and assistance including guidelines for making felony and misdemeanor arrests.

- 1 (3) Techniques for handling incidents of domestic  
2 violence that minimize the likelihood of injury to the  
3 officer and that promote the safety of the victim.
- 4 (4) The nature and extent of domestic violence.
- 5 (5) The signs of domestic violence.
- 6 (6) The legal rights of, and remedies available to,  
7 victims of domestic violence.
- 8 (7) The use of an arrest by a private person in a  
9 domestic violence situation.
- 10 (8) Documentation, report writing, and evidence  
11 collection.
- 12 (9) Domestic violence diversion as provided in  
13 Chapter 2.6 (commencing with Section 1000.6) of Title 6  
14 of Part 2.
- 15 (10) Tenancy issues and domestic violence.
- 16 (11) The impact on children of law enforcement  
17 intervention in domestic violence.
- 18 (12) The services and facilities available to victims and  
19 batterers.
- 20 (13) The use and applications of this code in domestic  
21 violence situations.
- 22 (14) Verification and enforcement of temporary  
23 restraining orders when (A) the suspect is present and  
24 (B) the suspect has fled.
- 25 (15) Verification and enforcement of stay-away  
26 orders.
- 27 (16) Cite and release policies.
- 28 (17) Emergency assistance to victims and how to assist  
29 victims in pursuing criminal justice options.
- 30 (d) The guidelines developed by the commission shall  
31 also incorporate the foregoing factors.
- 32 (e) (1) All law enforcement officers who have  
33 received their basic training before January 1, 1986, shall  
34 participate in supplementary training on domestic  
35 violence subjects, as prescribed and certified by the  
36 commission.
- 37 (2) Except as provided in paragraph (3), the training  
38 specified in paragraph (1) shall be completed no later  
39 than January 1, 1989.

1 (3) (A) The training for peace officers of the  
2 Department of Parks and Recreation, as defined in  
3 subdivision (g) of Section 830.2, shall be completed no  
4 later than January 1, 1992.

5 (B) The training for peace officers of the University of  
6 California Police Department and the California State  
7 University Police Departments, as defined in Section  
8 830.2, shall be completed no later than January 1, 1993.

9 (C) The training for peace officers employed by a  
10 housing authority, as defined in subdivision (d) of Section  
11 830.31, shall be completed no later than January 1, 1995.

12 (4) Local law enforcement agencies are encouraged to  
13 include, as a part of their advanced officer training  
14 program, periodic updates and training on domestic  
15 violence. The commission shall assist where possible.

16 (f) (1) The course of instruction, the learning and  
17 performance objectives, the standards for the training,  
18 and the guidelines shall be developed by the commission  
19 in consultation with appropriate groups and individuals  
20 having an interest and expertise in the field of domestic  
21 violence. The groups and individuals shall include, but  
22 shall not be limited to, the following: one representative  
23 each from the California Peace Officers' Association, the  
24 Peace Officers' Research Association of California, the  
25 State Bar of California, the California Women Lawyers'  
26 Association, and the State Commission on the Status of  
27 Women; two representatives from the commission; two  
28 representatives from the California Alliance Against  
29 Domestic Violence; two peace officers, recommended by  
30 the commission, who are experienced in the provision of  
31 domestic violence training; and two domestic violence  
32 experts, recommended by the California Alliance Against  
33 Domestic Violence, who are experienced in the provision  
34 of direct services to victims of domestic violence. At least  
35 one of the persons selected shall be a former victim of  
36 domestic violence.

37 (2) The commission, in consultation with these groups  
38 and individuals, shall review existing training programs to  
39 determine in what ways domestic violence training might  
40 be included as a part of ongoing programs.

1 (g) Each law enforcement officer below the rank of  
2 supervisor who is assigned to patrol duties and would  
3 normally respond to domestic violence calls or incidents  
4 of domestic violence shall complete, every two years, an  
5 updated course of instruction on domestic violence that  
6 is developed according to the standards and guidelines  
7 developed pursuant to subdivision (d). The instruction  
8 required pursuant to this subdivision shall be funded from  
9 existing resources available for the training required  
10 pursuant to this section. It is the intent of the Legislature  
11 not to increase the annual training costs of local  
12 government entities.

13 SEC. 2. Section 13701 of the Penal Code is amended  
14 to read:

15 13701. (a) Every law enforcement agency in this  
16 state shall develop, adopt, and implement written policies  
17 and standards for officers' responses to domestic violence  
18 calls by January 1, 1986. These policies shall reflect that  
19 domestic violence is alleged criminal conduct. Further,  
20 they shall reflect existing policy that a request for  
21 assistance in a situation involving domestic violence is the  
22 same as any other request for assistance where violence  
23 has occurred.

24 (b) The written policies shall encourage the arrest of  
25 domestic violence offenders if there is probable cause  
26 that an offense has been committed. These policies also  
27 shall require the arrest of an offender, absent exigent  
28 circumstances, if there is probable cause that a protective  
29 order issued under Chapter 4 (commencing with Section  
30 2040) of Part 1 of Division 6, Division 10 (commencing  
31 with Section 6200), or Chapter 6 (commencing with  
32 Section 7700) of Part 3 of Division 12, of the Family Code,  
33 or Section 136.2 of this code, has been violated. These  
34 policies shall discourage, when appropriate, but not  
35 prohibit, dual arrests. Peace officers shall make  
36 reasonable efforts to identify the primary aggressor in any  
37 incident. The primary aggressor is the person determined  
38 to be the most significant, rather than the first, aggressor.  
39 In identifying the primary aggressor, an officer shall  
40 consider the intent of the law to protect victims of

1 domestic violence from continuing abuse, the threats  
2 creating fear of physical injury, the history of domestic  
3 violence between the persons involved, and whether  
4 either person acted in self-defense. These arrest policies  
5 shall be developed, adopted, and implemented by July 1,  
6 1996. Notwithstanding subdivision (d), law enforcement  
7 agencies shall develop these policies with the input of  
8 local domestic violence agencies.

9 (c) These existing local policies and those developed  
10 shall be in writing and shall be available to the public  
11 upon request and shall include specific standards for the  
12 following:

13 (1) Felony arrests.

14 (2) Misdemeanor arrests.

15 (3) Use of citizen arrests.

16 (4) Verification and enforcement of temporary  
17 restraining orders when (A) the suspect is present and  
18 (B) the suspect has fled.

19 (5) Verification and enforcement of stay-away orders.

20 (6) Cite and release policies.

21 (7) Emergency assistance to victims and children,  
22 such as medical care, transportation to a shelter or a  
23 hospital for treatment when necessary, and police  
24 standbys for removing personal property and assisting in  
25 safe passage out of the victim's residence.

26 (8) Assisting victims in pursuing criminal options, such  
27 as giving the victim the report number and directing the  
28 victim to the proper investigation unit.

29 (9) Furnishing written notice to victims at the scene,  
30 including, but not limited to, all of the following  
31 information:

32 (A) A statement informing the victim that despite  
33 official restraint of the person alleged to have committed  
34 domestic violence, the restrained person may be released  
35 at any time.

36 (B) A statement that, "For further information about  
37 a shelter you may contact \_\_\_\_."

38 (C) A statement that, "For information about other  
39 services in the community, where available, you may  
40 contact \_\_\_\_."

1 (D) A statement informing the victim of domestic  
2 violence that he or she may ask the district attorney to file  
3 a criminal complaint.

4 (E) A statement informing the victim of the right to go  
5 to the superior court and file a petition requesting any of  
6 the following orders for relief:

7 (i) An order restraining the attacker from abusing the  
8 victim and other family members.

9 (ii) An order directing the attacker to leave the  
10 household.

11 (iii) An order preventing the attacker from entering  
12 the residence, school, business, or place of employment  
13 of the victim.

14 (iv) An order awarding the victim or the other parent  
15 custody of or visitation with a minor child or children.

16 (v) An order restraining the attacker from molesting  
17 or interfering with minor children in the custody of the  
18 victim.

19 (vi) An order directing the party not granted custody  
20 to pay support of minor children, if that party has a legal  
21 obligation to do so.

22 (vii) An order directing the defendant to make  
23 specified debit payments coming due while the order is  
24 in effect.

25 (viii) An order directing that either or both parties  
26 participate in counseling.

27 (F) A statement informing the victim of the right to  
28 file a civil suit for losses suffered as a result of the abuse,  
29 including medical expenses, loss of earnings, and other  
30 expenses for injuries sustained and damage to property,  
31 and any other related expenses incurred by the victim or  
32 any agency that shelters the victim.

33 (G) In the case of an alleged violation of Section 261,  
34 261.5, 262, 286, 288a, or 289, a “Victims of Domestic  
35 Violence” card which shall include, but is not limited to,  
36 the following information:

37 (i) The names and locations of rape victim counseling  
38 centers within the county, including those centers  
39 specified in Section 13837, and their 24-hour counseling  
40 service telephone numbers.





1 (ii) A simple statement on the proper procedures for  
2 a victim to follow after a sexual assault.

3 (iii) A statement that sexual assault by a person who is  
4 known to the victim, including sexual assault by a person  
5 who is the spouse of the victim, is a crime.

6 (10) Writing of reports.

7 (d) In the development of these policies and  
8 standards, each local department is encouraged to consult  
9 with domestic violence experts, such as the staff of the  
10 local shelter for battered women and their children.  
11 Departments may utilize the response guidelines  
12 developed by the commission in developing local policies.

13 ~~SEC. 3.~~

14 *SEC. 2.1. Section 13701 of the Penal Code is amended*  
15 *to read:*

16 13701. (a) Every law enforcement agency in this  
17 state shall develop, adopt, and implement written policies  
18 and standards for officers' responses to domestic violence  
19 calls by January 1, 1986. These policies shall reflect that  
20 domestic violence is alleged criminal conduct. Further,  
21 they shall reflect existing policy that a request for  
22 assistance in a situation involving domestic violence is the  
23 same as any other request for assistance where violence  
24 has occurred.

25 (b) The written policies shall encourage the arrest of  
26 domestic violence offenders if there is probable cause  
27 that an offense has been committed. These policies also  
28 shall require the arrest of an offender, absent exigent  
29 circumstances, if there is probable cause that a protective  
30 order issued under Chapter 4 (commencing with Section  
31 2040) of Part 1 of Division 6, Division 10 (commencing  
32 with Section 6200), or Chapter 6 (commencing with  
33 Section 7700) of Part 3 of Division 12, of the Family Code,  
34 or Section 136.2 of this code, has been violated. These  
35 policies shall discourage, when appropriate, but not  
36 prohibit, dual arrests. Peace officers shall make  
37 reasonable efforts to identify the primary aggressor in any  
38 incident. The primary aggressor is the person determined  
39 to be the most significant, rather than the first, aggressor.  
40 In identifying the primary aggressor, an officer shall

1 consider the intent of the law to protect victims of  
2 domestic violence from continuing abuse, the threats  
3 creating fear of physical injury, the history of domestic  
4 violence between the persons involved, and whether  
5 either person acted in self-defense. These arrest policies  
6 shall be developed, adopted, and implemented by July 1,  
7 1996. Notwithstanding subdivision (d), law enforcement  
8 agencies shall develop these policies with the input of  
9 local domestic violence agencies.

10 (c) These existing local policies and those developed  
11 shall be in writing and shall be available to the public  
12 upon request and shall include specific standards for the  
13 following:

14 (1) Felony arrests.

15 (2) Misdemeanor arrests.

16 (3) Use of citizen arrests.

17 (4) Verification and enforcement of temporary  
18 restraining orders when (A) the suspect is present and  
19 (B) the suspect has fled.

20 (5) Verification and enforcement of stay-away orders.

21 (6) Cite and release policies.

22 (7) Emergency assistance to victims *and children*,  
23 such as medical care, transportation to a shelter *or a*  
24 *hospital for treatment when necessary*, and police  
25 standbys for removing personal property *and assisting in*  
26 *safe passage out of the victim's residence*.

27 (8) Assisting victims in pursuing criminal options, such  
28 as giving the victim the report number and directing the  
29 victim to the proper investigation unit.

30 (9) Furnishing written notice to victims at the scene,  
31 including, but not limited to, all of the following  
32 information:

33 (A) A statement informing the victim that despite  
34 official restraint of the person alleged to have committed  
35 domestic violence, the restrained person may be released  
36 at any time.

37 (B) A statement that, "For further information about  
38 a shelter you may contact \_\_\_\_."

1 (C) A statement that, “For information about other  
2 services in the community, where available, you may  
3 contact \_\_\_\_.”

4 (D) *A statement that, “For information about the  
5 California victims’ compensation program, you may  
6 contact 1-800-777-9229.”*

7 (E) A statement informing the victim of domestic  
8 violence that he or she may ask the district attorney to file  
9 a criminal complaint.

10 ~~(E)~~

11 (F) A statement informing the victim of the right to go  
12 to the superior court and file a petition requesting any of  
13 the following orders for relief:

14 (i) An order restraining the attacker from abusing the  
15 victim and other family members.

16 (ii) An order directing the attacker to leave the  
17 household.

18 (iii) An order preventing the attacker from entering  
19 the residence, school, business, or place of employment  
20 of the victim.

21 (iv) An order awarding the victim or the other parent  
22 custody of or visitation with a minor child or children.

23 (v) An order restraining the attacker from molesting  
24 or interfering with minor children in the custody of the  
25 victim.

26 (vi) An order directing the party not granted custody  
27 to pay support of minor children, if that party has a legal  
28 obligation to do so.

29 (vii) An order directing the defendant to make  
30 specified debit payments coming due while the order is  
31 in effect.

32 (viii) An order directing that either or both parties  
33 participate in counseling.

34 ~~(F)~~

35 (G) A statement informing the victim of the right to  
36 file a civil suit for losses suffered as a result of the abuse,  
37 including medical expenses, loss of earnings, and other  
38 expenses for injuries sustained and damage to property,  
39 and any other related expenses incurred by the victim or  
40 any agency that shelters the victim.

1 ~~(G)~~

2 (H) In the case of an alleged violation of *Subdivision*  
3 *(e)* of Section 243 or Section 261, 261.5, 262, 273.5, 286,  
4 288a, or 289, a “Victims of Domestic Violence” card which  
5 shall include, but is not limited to, the following  
6 information:

7 (i) The names and ~~locations of~~ phone numbers of or  
8 local county hotlines for, or both the phone numbers of  
9 and local county hotlines for, local shelters for battered  
10 women and rape victim counseling centers within the  
11 county, including those centers specified in Section  
12 13837, and their 24-hour counseling service telephone  
13 numbers.

14 (ii) A simple statement on the proper procedures for  
15 a victim to follow after a sexual assault.

16 (iii) A statement that sexual assault by a person who is  
17 known to the victim, including sexual assault by a person  
18 who is the spouse of the victim, is a crime.

19 (iv) *A statement that domestic violence or assault by*  
20 *a person who is known to the victim, including domestic*  
21 *violence or assault by a person who is the spouse of the*  
22 *victim, is a crime.*

23 (10) Writing of reports.

24 (d) In the development of these policies and  
25 standards, each local department is encouraged to consult  
26 with domestic violence experts, such as the staff of the  
27 local shelter for battered women and their children.  
28 Departments may utilize the response guidelines  
29 developed by the commission in developing local policies.

30 SEC. 2.2. *Section 13701 of the Penal Code is amended*  
31 *to read:*

32 13701. (a) Every law enforcement agency in this  
33 state shall develop, adopt, and implement written policies  
34 and standards for officers’ responses to domestic violence  
35 calls by January 1, 1986. These policies shall reflect that  
36 domestic violence is alleged criminal conduct. Further,  
37 they shall reflect existing policy that a request for  
38 assistance in a situation involving domestic violence is the  
39 same as any other request for assistance where violence  
40 has occurred.

1 (b) The written policies shall encourage the arrest of  
 2 domestic violence offenders if there is probable cause  
 3 that an offense has been committed. These policies also  
 4 shall require the arrest of an offender, absent exigent  
 5 circumstances, if there is probable cause that a protective  
 6 order issued under Chapter 4 (commencing with Section  
 7 2040) of Part 1 of Division 6, Division 10 (commencing  
 8 with Section 6200), or Chapter 6 (commencing with  
 9 Section 7700) of Part 3 of Division 12, of the Family Code,  
 10 or Section 136.2 of this code, *or any other state, tribe, or*  
 11 *territory*, has been violated. These policies shall  
 12 discourage, when appropriate, but not prohibit, dual  
 13 arrests. Peace officers shall make reasonable efforts to  
 14 identify the primary aggressor in any incident. The  
 15 primary aggressor is the person determined to be the  
 16 most significant, rather than the first, aggressor. In  
 17 identifying the primary aggressor, an officer shall  
 18 consider the intent of the law to protect victims of  
 19 domestic violence from continuing abuse, the threats  
 20 creating fear of physical injury, the history of domestic  
 21 violence between the persons involved, and whether  
 22 either person acted in self-defense. These arrest policies  
 23 shall be developed, adopted, and implemented by July 1,  
 24 1996. Notwithstanding subdivision (d), law enforcement  
 25 agencies shall develop these policies with the input of  
 26 local domestic violence agencies.

27 (c) These existing local policies and those developed  
 28 shall be in writing and shall be available to the public  
 29 upon request and shall include specific standards for the  
 30 following:

- 31 (1) Felony arrests.
- 32 (2) Misdemeanor arrests.
- 33 (3) Use of citizen arrests.
- 34 (4) Verification and enforcement of temporary  
 35 restraining orders when (A) the suspect is present and  
 36 (B) the suspect has fled.
- 37 (5) Verification and enforcement of stay-away orders.
- 38 (6) Cite and release policies.
- 39 (7) Emergency assistance to victims *and children*,  
 40 such as medical care, transportation to a shelter *or a*

1 *hospital for treatment when necessary, and police*  
2 *standbys for removing personal property and assisting in*  
3 *safe passage out of the victim's residence.*

4 (8) Assisting victims in pursuing criminal options, such  
5 as giving the victim the report number and directing the  
6 victim to the proper investigation unit.

7 (9) Furnishing written notice to victims at the scene,  
8 including, but not limited to, all of the following  
9 information:

10 (A) A statement informing the victim that despite  
11 official restraint of the person alleged to have committed  
12 domestic violence, the restrained person may be released  
13 at any time.

14 (B) A statement that, "For further information about  
15 a shelter you may contact \_\_\_\_."

16 (C) A statement that, "For information about other  
17 services in the community, where available, you may  
18 contact \_\_\_\_."

19 (D) A statement informing the victim of domestic  
20 violence that he or she may ask the district attorney to file  
21 a criminal complaint.

22 (E) A statement informing the victim of the right to go  
23 to the superior court and file a petition requesting any of  
24 the following orders for relief:

25 (i) An order restraining the attacker from abusing the  
26 victim and other family members.

27 (ii) An order directing the attacker to leave the  
28 household.

29 (iii) An order preventing the attacker from entering  
30 the residence, school, business, or place of employment  
31 of the victim.

32 (iv) An order awarding the victim or the other parent  
33 custody of or visitation with a minor child or children.

34 (v) An order restraining the attacker from molesting  
35 or interfering with minor children in the custody of the  
36 victim.

37 (vi) An order directing the party not granted custody  
38 to pay support of minor children, if that party has a legal  
39 obligation to do so.

(vii) An order directing the defendant to make specified debit payments coming due while the order is in effect.

(viii) An order directing that either or both parties participate in counseling.

(F) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim.

(G) In the case of an alleged violation of Section 261, 261.5, 262, 286, 288a, or 289, a “Victims of Domestic Violence” card which shall include, but is not limited to, the following information:

(i) The names and locations of rape victim counseling centers within the county, including those centers specified in Section 13837, and their 24-hour counseling service telephone numbers.

(ii) A simple statement on the proper procedures for a victim to follow after a sexual assault.

(iii) A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime.

(10) Writing of reports.

(d) In the development of these policies and standards, each local department is encouraged to consult with domestic violence experts, such as the staff of the local shelter for battered women and their children. Departments may utilize the response guidelines developed by the commission in developing local policies.

*SEC. 2.3. Section 13701 of the Penal Code is amended to read:*

13701. (a) Every law enforcement agency in this state shall develop, adopt, and implement written policies and standards for officers’ responses to domestic violence calls by January 1, 1986. These policies shall reflect that domestic violence is alleged criminal conduct. Further, they shall reflect existing policy that a request for assistance in a situation involving domestic violence is the

1 same as any other request for assistance where violence  
2 has occurred.

3 (b) The written policies shall encourage the arrest of  
4 domestic violence offenders if there is probable cause  
5 that an offense has been committed. These policies also  
6 shall require the arrest of an offender, absent exigent  
7 circumstances, if there is probable cause that a protective  
8 order issued under Chapter 4 (commencing with Section  
9 2040) of Part 1 of Division 6, Division 10 (commencing  
10 with Section 6200), or Chapter 6 (commencing with  
11 Section 7700) of Part 3 of Division 12, of the Family Code,  
12 or Section 136.2 of this code, *or any other state, tribe, or*  
13 *territory* has been violated. These policies shall  
14 discourage, when appropriate, but not prohibit, dual  
15 arrests. Peace officers shall make reasonable efforts to  
16 identify the primary aggressor in any incident. The  
17 primary aggressor is the person determined to be the  
18 most significant, rather than the first, aggressor. In  
19 identifying the primary aggressor, an officer shall  
20 consider the intent of the law to protect victims of  
21 domestic violence from continuing abuse, the threats  
22 creating fear of physical injury, the history of domestic  
23 violence between the persons involved, and whether  
24 either person acted in self-defense. These arrest policies  
25 shall be developed, adopted, and implemented by July 1,  
26 1996. Notwithstanding subdivision (d), law enforcement  
27 agencies shall develop these policies with the input of  
28 local domestic violence agencies.

29 (c) These existing local policies and those developed  
30 shall be in writing and shall be available to the public  
31 upon request and shall include specific standards for the  
32 following:

- 33 (1) Felony arrests.
- 34 (2) Misdemeanor arrests.
- 35 (3) Use of citizen arrests.
- 36 (4) Verification and enforcement of temporary  
37 restraining orders when (A) the suspect is present and  
38 (B) the suspect has fled.
- 39 (5) Verification and enforcement of stay-away orders.
- 40 (6) Cite and release policies.



1 (7) Emergency assistance to victims *and children*,  
2 such as medical care, transportation to a shelter *or a*  
3 *hospital for treatment when necessary*, and police  
4 standbys for removing personal property *and assisting in*  
5 *safe passage out of the victim's residence*.

6 (8) Assisting victims in pursuing criminal options, such  
7 as giving the victim the report number and directing the  
8 victim to the proper investigation unit.

9 (9) Furnishing written notice to victims at the scene,  
10 including, but not limited to, all of the following  
11 information:

12 (A) A statement informing the victim that despite  
13 official restraint of the person alleged to have committed  
14 domestic violence, the restrained person may be released  
15 at any time.

16 (B) A statement that, "For further information about  
17 a shelter you may contact \_\_\_\_."

18 (C) A statement that, "For information about other  
19 services in the community, where available, you may  
20 contact \_\_\_\_."

21 (D) *A statement that, "For information about the*  
22 *California victims' compensation program, you may*  
23 *contact 1-800-777-9229."*

24 (E) A statement informing the victim of domestic  
25 violence that he or she may ask the district attorney to file  
26 a criminal complaint.

27 ~~(E)~~

28 (F) A statement informing the victim of the right to go  
29 to the superior court and file a petition requesting any of  
30 the following orders for relief:

31 (i) An order restraining the attacker from abusing the  
32 victim and other family members.

33 (ii) An order directing the attacker to leave the  
34 household.

35 (iii) An order preventing the attacker from entering  
36 the residence, school, business, or place of employment  
37 of the victim.

38 (iv) An order awarding the victim or the other parent  
39 custody of or visitation with a minor child or children.

1 (v) An order restraining the attacker from molesting  
2 or interfering with minor children in the custody of the  
3 victim.

4 (vi) An order directing the party not granted custody  
5 to pay support of minor children, if that party has a legal  
6 obligation to do so.

7 (vii) An order directing the defendant to make  
8 specified debit payments coming due while the order is  
9 in effect.

10 (viii) An order directing that either or both parties  
11 participate in counseling.

12 ~~(F)~~

13 (G) A statement informing the victim of the right to  
14 file a civil suit for losses suffered as a result of the abuse,  
15 including medical expenses, loss of earnings, and other  
16 expenses for injuries sustained and damage to property,  
17 and any other related expenses incurred by the victim or  
18 any agency that shelters the victim.

19 ~~(G)~~

20 (H) In the case of an alleged violation of *subdivision*  
21 *(e)* of Section 243 or Section 261, 261.5, 262, 273.5, 286,  
22 288a, or 289, a “Victims of Domestic Violence” card which  
23 shall include, but is not limited to, the following  
24 information:

25 (i) The names and ~~locations of~~ *phone numbers of or*  
26 *local county hotlines for, or both the phone numbers of*  
27 *and local county hotlines for, local shelters for battered*  
28 *women and rape victim counseling centers within the*  
29 *county, including those centers specified in Section*  
30 *13837, and their 24-hour counseling service telephone*  
31 *numbers.*

32 (ii) A simple statement on the proper procedures for  
33 a victim to follow after a sexual assault.

34 (iii) A statement that sexual assault by a person who is  
35 known to the victim, including sexual assault by a person  
36 who is the spouse of the victim, is a crime.

37 (iv) *A statement that domestic violence or assault by*  
38 *a person who is known to the victim, including domestic*  
39 *violence or assault by a person who is the spouse of the*  
40 *victim, is a crime.*

1 (10) Writing of reports.

2 (d) In the development of these policies and  
3 standards, each local department is encouraged to consult  
4 with domestic violence experts, such as the staff of the  
5 local shelter for battered women and their children.  
6 Departments may utilize the response guidelines  
7 developed by the commission in developing local policies.

8 *SEC. 3. (a) Section 2.1 of this bill incorporates*  
9 *amendments to Section 13701 of the Penal Code proposed*  
10 *by both this bill and Assembly Bill No. 1201. It shall only*  
11 *become operative if (1) both bills are enacted and*  
12 *become effective on or before January 1, 1999, (2) each*  
13 *bill amends Section 13701 of the Penal Code, (3)*  
14 *Assembly Bill No. 2177 is not enacted or as enacted does*  
15 *not amend that section, and (4) this bill is enacted after*  
16 *AB 1201, in which case Sections 2, 2.2, and 2.3 of this bill*  
17 *shall not become operative.*

18 *(b) Section 2.2 of this bill incorporates amendments to*  
19 *Section 13701 of the Penal Code proposed by both this bill*  
20 *and Assembly Bill No. 2177. It shall only become operative*  
21 *if (1) both bills are enacted and become effective on or*  
22 *before January 1, 1999, (2) each bill amends Section 13701*  
23 *of the Penal Code, (3) Assembly Bill No. 1201 is not*  
24 *enacted or as enacted does not amend that section, and*  
25 *(4) this bill is enacted after AB 2177, in which case*  
26 *Sections 2, 2.1, and 2.3 of this bill shall not become*  
27 *operative.*

28 *(c) Section 2.3 of this bill incorporates amendments to*  
29 *Section 13701 of the Penal Code proposed by this bill, AB*  
30 *1201, and AB 2177. It shall only become operative if (1)*  
31 *all three bills are enacted and become effective on or*  
32 *before January 1, 1999, (2) all three bills amend Section*  
33 *13701 of the Penal Code, and (3) this bill is enacted after*  
34 *AB 1201 and AB 2177, in which case Sections 2, 2.1, and 2.2*  
35 *of this bill shall not become operative.*

36 *SEC. 4. Notwithstanding Section 17610 of the*  
37 *Government Code, if the Commission on State Mandates*  
38 *determines that this act contains costs mandated by the*  
39 *state, reimbursement to local agencies and school*  
40 *districts for those costs shall be made pursuant to Part 7*

1 (commencing with Section 17500) of Division 4 of Title  
2 2 of the Government Code. If the statewide cost of the  
3 claim for reimbursement does not exceed one million  
4 dollars (\$1,000,000), reimbursement shall be made from  
5 the State Mandates Claims Fund.

6 Notwithstanding Section 17580 of the Government  
7 Code, unless otherwise specified, the provisions of this act  
8 shall become operative on the same date that the act  
9 takes effect pursuant to the California Constitution.

